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 AMERICA, INC. D/B/A LENSRAFTERS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BRIAN KING, MATTHEW SMELSER and DAWN  
 CONE, individuals, on behalf of themselves and all  
 other similarly situated,

Plaintiffs,

v.

LENSCRAFTERS, INC., LUXOTTICA GROUP  
 S.P.A. and Does 1 through 100,

Defendants.

Case No. 3:09-cv-03081-SI

**STIPULATION TO  
 CONTINUE CASE  
 MANAGEMENT  
 CONFERENCE**

WHEREAS the Court stayed this action on February 24, 2010, pending a ruling on final approval of the settlement in *Felice Martinez v. LensCrafters, Inc.*, C08-01699 PJH (“*Martinez*”);

WHEREAS the Court has scheduled a case management conference in this action on May 14, 2010 and the parties are required to file a joint case management statement on May 7, 2010;

WHEREAS final approval of the settlement in *Martinez* was granted on April 14, 2010;

WHEREAS Plaintiffs did not opt out of the *Martinez* settlement

WHEREAS Defendant Luxottica Retail North America, Inc. contends that Plaintiffs’ claims are now barred;

WHEREAS the parties have met and conferred on this issue and Plaintiffs are currently evaluating whether they intend to pursue the action;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their respective counsel of record, subject to the approval of the Court, that the case management conference currently set for May 14, 2010, be continued to ~~June 18~~ <sup>July 2</sup>, 2010.

**IT IS SO STIPULATED.**

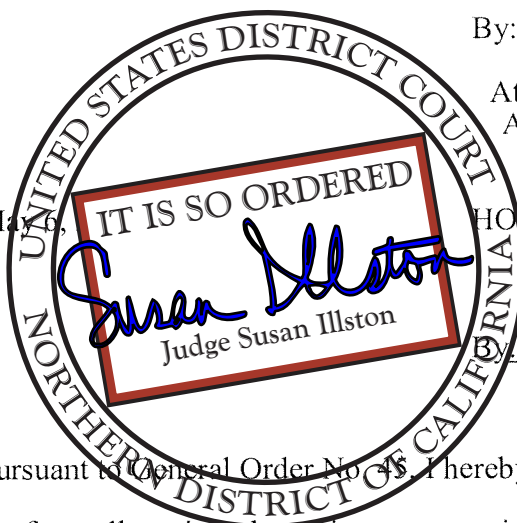
Dated: May 6, 2010

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Sara E. Dionne  
Sara E. Dionne  
Attorneys for LUXOTTICA RETAIL NORTH  
AMERICA, INC. D/B/A LENS CRAFTERS,  
INC.

HOFFMAN & LAZEAR

Dated: May 6, 2010



/s/ Morgan M. Mack  
Morgan M. Mack  
Attorneys for Plaintiffs

Pursuant to General Order No. 45, I hereby attest that I have concurrence to file this stipulation from all parties whose signatures are indicated by a “conformed” signature (/s/) within this e-filed document.

/s/ Sara E. Dionne  
Sara E. Dionne